

# **NPDES Phase II Municipal Separate Stormwater Systems**

## **Frequently Asked Questions**

### **Application Questions:**

#### ***Under Operator type, what does “other” mean?***

Other refers to any special district that owns and operates a separate stormwater system – e.g. port, university or community college, prisons, etc.

#### ***Why do you ask for areas of Indian Lands that are served by my MS4?***

Municipal separate stormwater systems owned or operated by Indian tribes are required to have permit coverage. The State of Washington does not issue permits to Indian Tribes, EPA is responsible for issuing these permits. If the tribe owns or operates separate storm sewers that are interconnected with your MS4 then coordination is needed between the BMPs for both entities.

#### ***What is included in a treatment system?***

A treatment facility includes any system used to remove pollutants providing improvements to water quality. This can include oil/water separators, vortex separators, filter vaults, wetpools, biofiltration swales, sand filters, etc. For a more complete list, please refer to Volume 5 of the Stormwater Management Manual for Western Washington.

#### ***What is meant by a Washington State Department of Transportation (WSDOT) “facility”?***

You need to identify WSDOT facilities that are interconnected to your system. A WSDOT facility includes a WSDOT operated road or highway, rest area, scenic viewpoint, inspection (truck weight) station, park and ride, maintenance facility or ferry terminal.

#### ***What “ultimate” receiving water bodies should be listed?***

The first naturally existing water body that receives the discharge of any part of your MS4: any creek, river, or lake.

#### ***What is a “minimum measure objective”?***

An objective describes what are you trying to accomplish with each action or BMP. For example, for the minimum control measure “Public education & outreach on stormwater impacts” some example objectives might be:

- Raise awareness of stormwater issues
- Encourage positive behaviors & actions
- Build knowledge & skills of the public

***Will you be providing an example of a “good application”?***

We will not be providing an example application. We are concerned that an example application may be interpreted as “required” BMPs. Each jurisdiction is unique and BMPs should be tailored to meet local needs. We suggest talking to other Phase II jurisdictions, similar to yours, about how they are filling out their applications. Ecology staff will be available to answer your questions wherever we can, however, systems are different in every jurisdiction, you are the expert on your stormwater system.

***Am I liable to implement everything I put in Part II of the permit application?***

While the application is not a permit, once the application is submitted to Ecology, it is subject to public disclosure and as such you may be asked by third parties why you are not implementing everything in the application. Thus, we encourage municipalities to accurately describe their existing programs, measurable goals and milestones.

The permit is on a five - year cycle. From the effective date of the permit, jurisdictions will have five years to fully implement their stormwater programs. We recommend identifying a stormwater program schedule and implementing it over the life of the permit.

***Am I required to implement BMPs that I put in the application in Part II?***

Once the permit is issued, you are required to implement the BMPs included in your application for coverage under the general permit. You may modify the information in this application when you submit your final program for permit coverage. Information provided in the application should include the BMPs you are using and expectations of what BMPs your jurisdiction will implement in the future to protect and improve the quality of your stormwater.

Ecology has provided the 2001 Stormwater Management Manual for Western Washington, the draft Stormwater Management Manual for Eastern Washington, and the Model Municipal Stormwater Management Program for eastern Washington which contain BMP stormwater guidance. The Puget Sound Water Quality Management Plan Stormwater Program and EPA also provide BMP guidance.

***If jurisdictions apply jointly, who needs to sign the application?***

Both jurisdictions need to have a signatory authority on the application as defined in 40 CFR 122.22 (b)).

***In Part I, question #4-B, the application asks for stormwater drainage information. Many of our systems serve a dual purpose, which system should I count these under?***

Count them under the primary function they are in place to do. (Detention or Retention, etc.)

## **General Phase II stormwater questions:**

### ***What if areas within the census defined urban area which are under the 1000 population threshold discharge into your stormwater system?***

Jurisdictions have two options; For a more effective program, City and County jurisdictions may include these areas under their phase II stormwater program or; you can choose to not include these areas under your program. In addition, Under 40 CFR 122.26 (f)(1) jurisdictions may petition Ecology to require a separate NPDES permit for any discharges into their MS4.

### ***When will the permit be available?***

Ecology is anticipating the drafting of the Phase II permit will begin in the Fall of 2003. The permit will probably not be finalized until sometime in 2004.

### ***Is EPA concerned about Ecology not meeting the Phase II permit deadlines?***

Ecology and EPA have been in communication about this issue. They understand our limited resource situation. We have a Phase II strategy in draft form which provides timelines on our Phase II work. However, this schedule is very dependent upon any upcoming legislative decisions. We are making a good faith effort to meet the Phase II federal stormwater requirements. In the current situation, Ecology realizes the importance of providing our Phase II jurisdictions with compliance pathways that will minimize their liabilities.

### ***Do you see any funding becoming available for Phase II stormwater jurisdictions coming from Ecology?***

There is a possibility that 319 money may become available at some point.

### ***Will the permit include discharges to groundwater?***

There is a state statutory requirement that Ecology address groundwater in NPDES permits. It is anticipated that groundwater will be addressed in the NPDES Phase II stormwater permit.

### ***Will there be a process for defining Maximum Extent Practicable, MEP?***

Through the permit process, MEP will develop more definition.

### ***Will Ecology provide a Model Program for the West side?***

The model program for the West side is the Puget Sound Action Team model.

***Is there a public process for deciding what goes into the Phase II stormwater permit?***

YES. The process for drafting the permit will include an advisory committee. The permit issuance process includes a formal public comment period as well, which mirrors the rule making process.

***Does Ecology anticipate the Phase II stormwater permit will include monitoring requirements?***

The EPA Phase 2 regulations require an assessment of the appropriateness of identified BMPs (§122.34(g)(3)(i)). At minimum, visual and qualitative assessments will be needed to meet this requirement. Ecology does not anticipate formal monitoring requirements, but cannot rule them out.

***How will permittees evaluate their programs if no monitoring is required?***

A qualitative approach is appropriate for evaluations of stormwater program BMP's. As an example, for Illicit Discharges - Is there oil in the catch basins?

***What's up with the Ecology Stormwater Manual?***

The manual has no independent regulatory authority. It is a guidance tool for properly managing stormwater. Currently, at Ecology's request to the Governor's Salmon Recovery Office, the Independent Science Panel is reviewing the manual. This review will probably be done in June 2003.

***Regarding the drainage basins which are asked for on the map, are these storm system drainage basins or natural surface water drainage basins?***

We would like you to map natural drainage basins, typically in the 1 to 10 square mile size range. However, where you know that your stormwater drainage system alters the natural drainage pattern, you should show it. If you don't have this information on alterations of the natural drainage pattern, you don't need to go out and get it at this time.